



David B. Cohen
Mayor

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Public Hearing Date:	July 13, 2004
Land Use Action Date:	<i>To Be Determined</i>
Board of Aldermen Action Date:	September 20, 2004
90-Day Expiration Date:	October 11, 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Robert Merryman, Senior Planner

SUBJECT: Petition #490-95(2) of AUBURNDALE PLAZA LLC by GRAVESTAR INC., MANAGING MEMBER to AMEND Special Permit # 490-95, which granted a SPECIAL PERMIT /SITE PLAN APPROVAL and EXTENSION of NON-CONFORMING USE and STRUCTURE for minor expansion of the Star Market Building (2040) at 2034 -2060 COMMONWEALTH AVENUE, Auburndale, Ward 4, on land known as Section 44, Block 25, Lot 10, containing approximately 121,325 sq. ft. of land in a Business 2 District.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The petitioner is seeking an amendment to a special permit to allow for some improvements to the existing parking facility at Auburndale Plaza (2034-2060 Commonwealth Avenue). The petitioner is proposing the following changes to the site: creation of an outdoor patio next to the Fleet ATM and Brueggers Bagels, upgrading of sidewalks, improved site lighting, enhanced landscaping and retaining wall improvements along the rear portion of the site, and the relocation of two (2) handicapped parking stalls from the east (market) side of the parking lot to the west side of the side, adjacent to the Brueggers Bagel shop. There are a total of 6 handicap stalls on site. The total number of spaces on-site will increase from 164 to 168.

In addition to the proposed site improvements, the petitioner is also seeking to significantly increase the size of the existing free-standing sign. The free-standing sign was first permitted by the Board in 1978 (Board Order #652-78) and has been refaced several times since the original approval, through consistency rulings by the Commissioner of Inspectional Services.

II. **ZONING RELIEF BEING SOUGHT**

The petitioner is seeking relief from or approvals through the following section(s) of the zoning ordinance:

- *Section 30-19(m) of the Zoning Ordinance, which allows the Board of Aldermen to grant a special permit for exceptions to the dimensional requirements for parking if it is determined that compliance is impracticable due to the nature of the site and that such exceptions would be in the public interest. The following waivers are required through this section:*
 - 1.) *Section 30-19(i)(1) and Section 30-19(i)(2) to allow waivers from the exterior landscape screening and the internal landscape requirements; and*
 - 2.) *Section 30-19(j) to allow waivers pertaining to light spill-over onto abutting properties;*
- *Section 30-21 (b) allows the Board of Aldermen to grant a special permit for alterations to existing, non-conforming parking stalls, light poles (which are located within the front setback), and the non-conforming perimeter and interior landscaping;*
- *Section 30-20 (l) allows the Board of Aldermen to grant a special permit for exceptions to the Sign Ordinance if it is determined that the nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that an exception should be permitted in the public interest;*
- *Section 30-23 for Site Plan Approval*
- *Section 30-24 for Special Permit Approval*
- *Amendments to Special Permits #490-95 and #652-78. NOTE: When comparing the approved plans (Board Order #490-95) with the submitted "Existing Conditions" plan, the Chief Zoning Code Official noted a number of differences as to layout, which appear to have been done without City review or approval. It appears that with this application, the petitioner is proposing to amend their site plan to reflect these changes. (SEE ATTACHMENT "A").*

III. **SIGNIFICANT ISSUES FOR CONSIDERATION**

In reviewing this petition, the Board should consider the following:

- *Whether the changes to the site, including those which were apparently done without prior approval, are appropriate and/or meet the intent of the conditions of the original special permit.*

- *Whether the proposed increase in the size of the free-standing sign is appropriate given the residential character along the northern side of Commonwealth Avenue, and the visibility of the uses on site.*
- *Whether the proposed lighting improvements will create a spillover onto abutting property.*
- *Whether the outdoor patio is an appropriate addition to the site.*

IV. CHARACTERISTICS OF SITE, BUILDINGS AND NEIGHBORHOOD

A. Site

The site is located on the south side of Commonwealth Avenue in Auburndale, and is improved with several retail stores and a 164-stall parking lot. The existing uses include: a grocery store, an ATM enclosure, a new bank (formerly a real estate office), bagel shop, hair salon and a dry cleaners. The site is a relatively flat rectangular piece of land, however, at the rear, the site rises steeply to the rear property line. This sloped area is currently covered with asphalt. The site has minimal landscaping and is heavily used.

B. Buildings

There are several buildings on the site. All are one-story flat roofed structures. None of the buildings front directly onto Commonwealth Avenue, but all face the common parking lot. The Star Market building was renovated and expanded in 1995 and several uses (Chinese restaurant, beauty parlor and a video store) were removed. Although the building has one façade along the sidewalk on Commonwealth Avenue, the entrance to the market is on the face of the building adjacent to the parking lot. The other buildings are smaller and, except for the proposed bank at the west end of the site, the other structures are sited at the rear of the site and parking lot. There is an existing loading dock at the back (east side) of the Star Market which is accessed directly off Commonwealth Avenue.

C. Neighborhood

The subject site is abutted to the west by several gas stations within a Business 2 District and the Auburndale Commercial Center, which is within a Business 1 District. Across Commonwealth Avenue, to the north, is a residential neighborhood within a Single Residence 3 District. The residences that line the carriage lane are predominantly two-family residences, with some single-family residences located along the eastern end of the block. To the east of the subject property are several office buildings. The MBTA commuter rail line and the Massachusetts Turnpike are located to the south of the site and both are within a Public Use District.

V. ANALYSIS

A. Technical Considerations

The following tables shows how the existing buildings at Auburndale Plaza compare to the dimensional requirements of the Ordinance for the Business 2 District:

BUSINESS 1 DISTRICT	Required	Existing	Proposed
Min. Lot Area	10,000 ft.	125,391ft.	125,391 ft.
Max. Bldg. Height			
feet	24 ft.	23.11 ft.	23.11 ft.
stories	2 stories	1 story	1 story
Floor Area Ratio	1.0	.31	.34
Setbacks			
Front	10 ft.	0 ft.	0 ft.
Side (1/2 ht.)	0 ft.	0 ft.	0 ft.
Rear (1/2 ht. or 15 ft)	15 ft.	0 ft.	0 ft.

As shown in the chart above, the existing building(s) are non-conforming with respect to the front and rear setbacks. The gas station, which is located on the abutting parcel to the west, is actually sited on or slightly over the common side lot line; as such, in accordance with the ordinance, the side setback requirement for the subject property is 0 feet. The property is within a Business District that has no technical requirements for open space or lot coverage. The petitioner is not proposing any changes to the buildings.

B. Parking Analysis

The following table compares the existing and proposed parking facility/site to the technical requirements for Section 30-19.

Section 30-19	Required	Existing	Proposed
Setbacks			
Front	10 ft.	4 ft.	4 ft.
Side	5 ft.	16 ft.	16 ft.
Rear	15 ft.	22 ft.	22 ft.
Min. Number of Parking Stalls	165 stalls	164 stalls	168 stalls
Min. Stall Length	19 ft.	18 ft.	18 ft.
Min. Stall Width	9 ft.	7 ft. (6 stalls) 8 ft. (110 stalls)	8 ft. (3 stalls) 8 ft.(110 stalls)
Min. Aisle Width	24 ft.	24 ft.	24 ft.
Entrance/Exit Drives	20-25 ft.	25 ft.	25 ft.
Handicapped Stalls	(6) 12' x 19' stalls	(8) 12' x 19' stalls	(6)12' x 19' stalls
Landscaping	5% interior (698 sq. ft.)	(3.1%) 430 sq. ft.	(3.1%) 430 sq. ft.
Screening	5' wide, 3.5' high dense shrubs	4 ft. wide 4-6 ft. high	4 ft. wide 0 ft. high
Interior Landscaping (> 20 stalls)	One, 3" cal. Tree/10 stalls = 17 trees	7 trees	7 trees
Loading Facilities	1 space 10' X 35'	35'X 70'	35'X 70'

As shown in the table above the existing parking facility is non-conforming with respect to the front setback, stall length, stall width, interior landscaping, landscape screening width, and minimum number of interior trees. Although the original Special Permit included a 4-ft. high evergreen hedge along Commonwealth Avenue, the petitioner has removed these plants and replaced them with grass. As part of this application, the petition is seeking approval from the Board to formalize this unapproved alteration to the site. However, the Planning Department believes these plantings were included on the original plan to screen the vehicles, particularly the headlights, from the public way, and from the neighbors across Commonwealth Avenue. ***The Planning Department does not believe this change is in the public interest and recommends that plantings be replaced, in kind.***

The "Existing Conditions" plan depicts 164 existing parking spaces on the site. Most of these spaces would remain, however, some will be altered and two of the six existing handicapped stalls will be relocated in order increase pedestrian access and better serve persons with disabilities. The net number of parking spaces after the proposed changes will be 168 stalls. The petitioner provided a parking calculation which indicate that 165 stalls are required, per the Zoning Ordinance. The Chief Zoning Code Official has reviewed the calculations and agrees that there will be sufficient parking on-site, per the ordinance requirements.

The Zoning Ordinance requires a minimum of 1 ft-candle of light on all parking surfaces within a parking facility that will be used at night. The ordinance also dictates that lighting shall be shielded so as to prevent glare onto adjacent streets and properties. Although the Planning Department does prefer the proposed site lighting scheme, after installation, some adjustments may be necessary in order to provide sufficient shielding of the light from the surrounding neighborhood.

C. Landscaping

In addition to the evergreen screening along Commonwealth Avenue, which has been removed, the Planning Department notes another deviation from the previously above plans. The 1995 Special Permit included a provision for 31 trees to be planted in the Commonwealth Avenue berm between the carriage lane and the main roadway. The Planning Department believes that these trees were proposed as a form of mitigation for the lack of landscaping on site. ***These trees have not been planted.*** **The Planning Department believes that the petitioner should comply with this obligation regardless of whether this amendment is approved. (SEE ATTACHMENT "B;" REF: CONDITION #9(B) OF BOARD ORDER #490-95(2))**

While on site, the Planning Department noticed that one of the 12-inch diameter maple street trees in front of the parking area has recently died. This tree should be replaced as part of the petitioners' off-site landscaping obligations in the previous Board Order.

Although the petitioner has been deficient in maintaining their obligations for landscaping and screening in the past, they are proposing to remove the pavement along the back berm, and add some landscaping, retaining walls, and "landscape boulders." ***Prior to the working session, the petitioner should submit details and elevations of the proposed retaining***

walls. The back portion of this area would be lined predominantly with Junipers, and a mix of decorative plantings is proposed around the new patio area. Although these would be a great improvement to the aesthetics of the site, the Planning Department is concerned that the petitioner may neglect the maintenance of these plants or may simply remove them, over time, as they had done with the evergreen hedge.

D. Department/Commission Reviews

The Acting City Engineer has completed his review of the submitted plans and documents. He is asking the petitioner to provide a breakdown of the impervious surfaces vs. pervious surface; the amount of additional impervious surface, if any, should be clearly noted. He also has questions on the drain inlet and base drain shown on the concrete masonry unit wall detail, and has asked the petitioner to provide additional information on the tie-in point and on the amount of additional flow. ***Prior to the working session, the petitioner should respond to all the issues raised by the Acting City Engineer. (SEE ATTACHMENT "C")***

The Fire Department is expected to complete their reviews and provide their comments prior to the public hearing.

E. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements, including regulation of the number, design and location of access driveways and the location and design of handicapped parking. The sharing of access driveways by adjoining sites is to be encouraged wherever feasible

The improvements to the site plan will include the construction of handicapped accessible walkways and ramps, and the relocation of 2 handicapped parking stalls from the east (market) side of the parking lot to the west end of the parking area, in front of the Brueggers. This will provide a better balance of handicap spaces throughout the site. Pedestrian movement within the site should be improved with the upgrades to the sidewalk and the installation of additional crosswalks. Widening the sidewalk that lines the back of the parking area from 3' to 6' should improve accessibility and may encourage customers to walk, vs. drive, from various locations on the site. The proposed site alterations should have no adverse impact on vehicular access and/or safety.

2. Adequacy of the methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage

The dumpster location has already been changed from the middle-back edge of the parking area to the eastern end, near the new bank. This change will allow for the creation of a new patio area. ***Prior to the working session, the petitioner should submit details for the screening of the dumpster.*** The surface water drainage should be improved with the removal of portions of the steep asphalt berm along the rear; the City Engineer has asked for additional information on the proposed drains and the amount of additional flow.

3. Screening of parking areas and structure(s) on the site from adjoining premises or from the street by walls, fences, plantings or other means. Location of parking between the street and existing or proposed structures shall be discouraged

As previously noted, the petitioner has recently removed mature evergreen hedges that lined the parking facility along Commonwealth Avenue. The petitioner has not shown these to be replaced. The Planning Department believes that these plantings were included on the original plans to screen the vehicles, particularly the headlights, from the public way and from the residents who live across Commonwealth Avenue. ***The Planning Department believes these should be replaced, at 4 ft. in height, regardless of whether or not the Board approves this amendment. Prior to the Working Session the petitioner should submit revised site and landscaping plans to include the 4 ft. high evergreen hedge, as shown on the approved 1995 landscape plan.***

Further, the 1995 Board Order included a provision for the planting of trees in the Commonwealth Avenue berm. The Planning Department believes these were included in the original special permit to also screen this shopping center from the residences. These plantings were not installed. ***Prior to the working session, the petitioner should submit a revised landscape plan that includes these plantings, as approved by the Board in 1995.***

The Planning Department believes that all the landscaping required and approved as conditions of the 1995 Special Permit, should be installed (or re-installed) *prior to the issuance of any permits for the additional site improvements*, if this special permit is approved.

4. Avoidance of major topographical changes; tree and soil removal shall be minimized and any topographic changes shall be in keeping with the appearance of neighboring developed areas

The petitioner proposes to improve the existing asphalt berm at the rear of the site by replacing it with some 3-foot high concrete block retaining walls, landscape boulders, and landscaping. This should improve the aesthetics of the site. Assuming the petitioner can adequately respond to the issues raised by the Acting City Engineer, the removal of the impervious surface along the rear should also improve on-site drainage.

F. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use, structure

The petitioner is proposing improvements to the existing site that should improve accessibility, enhance on-site aesthetics, and increase safety with the widened walkways, new crosswalk striping, and improvements to the site lighting. The addition of a small patio should provide an attractive outdoor area for use by employees, during breaks, and/or customers who patronize the establishments in this strip mall. The Planning Department believes that the improvements are appropriate for the uses and the site.

2. The use as developed and operated will not adversely affect the neighborhood.

In order to minimize the impacts on the neighborhood, the petitioner should replace the evergreen hedge along Commonwealth Avenue and plants the trees, in the Commonwealth Avenue berm, as provided for in the 1995 Board Order. As long as the screening is in place, and the new lighting does not spill over or cause excessive glare, the proposed changes should not adversely affect the neighborhood.

G. Proposed Free Standing Sign

The petitioners are proposing add four (4) more tenant plaques to the existing free-standing sign, which was approved by the Board in 1978 (Board Order #652-78). The original approved free-standing sign was 14 ft. tall, and was comprised of 2 sign plaques: one for Star Market and the other for Brigham's.

The Star Market sign was 2.5 ft. high and 9 ft. long (22 sq. ft.) and the Brigham's sign was 2.5 ft. high and 5.5 ft. long (13.75 sq. ft.). This standing sign was subsequently reduced in size and the Brigham's sign deleted by the owners in 1989. Over the last 14 years the Brigham's sign was replaced with several sign plaques including the "Wild Harvest" sign and an "Entrance Only" directional sign. The petitioners are seeking to reface and expand this sign with the new "Auburndale Plaza" identification sign at the top and 4 panels below for "Star Market"; "Bruegger's Bagels"; "Sarni Cleaners"; and "Supercuts". This would total approximately 72 square feet of signage, more than twice the maximum allowed in the Sign Ordinance. The important "Entrance Only" directional sign is missing from this latest proposal. (SEE ATTACHMENT "D")

Given the layout of the site and the open visibility of the uses on site, the Planning Department believes the proposed expansion of the free-standing sign is excessive. The petitioner should reduce the overall size of the sign as well as the number of plaques, however, the "Entrance Only" plaque should be re-instated.

VI. SUMMARY

Star Market has been in Auburndale for many years serving the community well. The proposed changes represent improvements for the site, and should result in better on-site pedestrian circulation and improved service for persons with disabilities. In addition, the petitioner is proposing to improve the site landscaping (at the rear of the site), lighting, and drainage without effecting the operation of the existing stores, customer use or the neighborhood.

The petitioner has made some alterations to the site, which differ from the plans approved by the Board in 1995. The evergreen screen along Commonwealth Avenue has been removed. This should be replaced to ensure that the vehicles, particularly the headlights, are screened from the public way and adjacent residences. In addition, the proposed plantings on the Commonwealth Avenue median should be installed regardless of whether this amendment to the special permit is approved. If the Board chooses to approve this special permit, the Planning Department recommends that all the plantings approved in the 1995 Board Order be installed, or re-installed, prior to the issuance of any building permits for the new work.

Given that this Star Market is a long-standing establishment and the visibility of the other uses on the site, the Planning Department believes the proposed changes to the free-standing sign are excessive. The Planning Department recommends that the petitioner reduce the overall size of the sign, and the number of sign-faces, to better reflect the scale of this development and the neighborhood context.

Prior to the Working Session:

1. ***The petitioner should respond to any issues raised by the City Engineer and/or the Assistant Fire Chief.***
2. ***The petitioner should revise the landscape plan to include the replacement of the 4 foot high evergreen screen along Commonwealth Avenue and the replacement of the 12”diameter maple street tree located on the front berm which has died. In addition, the revised landscape plan should include all the approved landscaping, which was provided for in the 1995 Special Permit (ref: ADD Inc. Final Landscape dated Jan. 16, 1995, revised 8/29/96 stamped by Joseph T. Geller, Landscape Architect.)***
3. ***The petitioner should present a detail and an elevation of the proposed retaining wall, and a detail of the dumpster enclosure for review.***
4. ***The petitioner should submit a revised sign package which reduces the overall size of the sign as well as the number of tenant plaques, and reinstates the “Entrance Only” plaque.***